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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,945	09/12/2003	Erik P. Staats	APPL-P2829COA	6999

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EXAMINER

PAULA, CESAR B

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/660,945	Applicant(s) STAATS, ERIK P.	
	Examiner CESAR B. PAULA	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/03, 6/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application, and IDSs filed on 9/12, 12/16/2003, and 6/14/2004 respectively.

This action is made Non-Final.

2. Claims 1-13 are pending in the case. Claims 1, 6, and 11 are independent claims.

Information Disclosure Statement

3. The information disclosure statements (IDSs) submitted on 12/16/2003, and 6/14/2004 have been entered, and considered by the Examiner.

Priority

4. This application is a continuation of co-pending United States Patent Application Serial Number 09/429,233, filed October 28, 1999.

Drawings

5. The drawings filed on 9/12/2003 have been accepted by the Examiner.

Specification

6. The disclosure is objected to because of the following informalities: Please update the patent number of parent application 09/429,233 (parag. 0001).

Appropriate correction is required.

Double Patenting

7. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

8. Claims 1-13 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-4, 1, 5-8, 9-10, (11 and 13), and 12 of prior U.S. Patent No. 6,691,096 B1, hereinafter 096. This is a double patenting rejection.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter. Claims 1-10 are rejected under 35 U.S.C. 101 because claims 1, and 6 are directed toward a method describing

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computation of data without any tangible, and concrete practical application. Claim 6 is also rejected because it is describing data not executed on a computer. See MPEP 2105(a).

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Looney et al, hereinafter Looney (Pat.# 6,232,539 B1, 5/15/2001, continuation filed on 6/17/1998).

Regarding independent claim 1, Looney discloses the organization of songs in a hard drive according to various categories. The categories further include subcategories (col.2, lines 30-67, fig. 12-17)-- *compiling a plurality of containers, registering one or more fields within each said container, and arranging said containers into a logical hierarchy.*

Regarding claim 2, which depends on claim 1, Looney discloses the songs are stored within the subcategories as mpeg3 files, having category flags appended to them. The files, which are listed in various order, are played back to a user (col.2, lines 30-67, fig. 12-17)--

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associating addresses with each of said fields sequentially enumerated within each of said containers.

Regarding claim 3, which depends on claim 2, Looney discloses that the files are listed in various orders, such as ascending, descending, etc (col.2, lines 30-67, col. 9, lines 1-67, col.10, lines 30-67, fig. 12-17)-- *mapping said fields to a prescribed field list.*

Regarding claim 4, which depends on claim 3, Looney discloses the display of various categories, such as title, artist, date, etc., which are listed individually from other categories (col.2, lines 30-67, col.9, lines 48-col.10, line 67, fig. 12-17)-- *accessing any field within any container independently of any other container, and reading data from any field within any container without affecting the access to any other container--* (col.2, lines 30-67, col. 9, line 48-col.10, line 67, fig. 12-17).

Regarding claim 5, which depends on claim 4, Looney discloses the display of various categories, such as title, artist, date, etc., which are listed individually from other categories (col.2, lines 30-67, col.9, lines 48-col.10, line 67, fig. 12-17)-- *said plurality of containers comprise in combination an AV/C general object list descriptor.* (col.2, lines 30-67, col. 9, line 48-col.10, line 67, fig. 12-17).

Claim 6 is directed towards a computer system for implementing the steps found in claim 1, and therefore is similarly rejected.

Regarding claim 7, which depends on claim 6, Looney discloses the songs are stored within the subcategories as mpeg3 files, having category flags—*unique address registers associated with each said field*-- appended to them. The files, which are listed in various order, are played back to a user (col.2, lines 30-67, fig. 12-17).

Regarding claim 8, which depends on claim 7, Looney discloses the queuing of a song to be played and setting a timer to 0. The user can then indicate the length of play time of a song selected to be played (col.2, lines 30-67, col.9, lines 33-47, col. 14, lines 37-50, col.10,lines 30-67, fig. 27)-- *building a read buffer in response to a read descriptor request, said read buffer presented in a standardized list format.*

Regarding claim 9, which depends on claim 1, Looney discloses the queuing of a song to be played and setting a timer to 0. The user can then indicate the length of play time of a song selected to be played (col.2, lines 30-67, col.9, lines 33-47, col. 14, lines 37-50, col.10,lines 30-67, fig. 27)-- *building a read buffer includes means for mapping said address registers to said standardized list format fields.*

Regarding claim 10, which depends on claim 9,Looney discloses the display of various categories, such as song title heading, song titles, artist heading/artist name, date, etc., which are listed individually from other categories (col.2, lines 30-67, col.9, lines 48-col.10, line 67, fig. 12-17) -- *plurality of child containers, said child containers including at least an object list*

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header container, an object list specific container, and an object list entries container reflecting the number of object list entries included therebeneath, said object list entries container including at least one child container in the form of an object list entry. (col.2, lines 30-67, col. 9, line 48-col.10, line 67, fig. 12-17).

Regarding independent claim 11, Looney discloses the organization of songs in a hard drive according to various categories. The categories further include subcategories. The categories are displayed in a list according to a certain order, and category as result of a search of the songs in the containers. The song is played by the queuing of the song and setting a timer to 0. The user can then indicate the length of playtime of a song selected to be played (col.2, lines 30-67, col.9, line 1-col.10, col. 14, lines 37-50, col.10,lines 30-67, fig. 12-17, 27). In other words, a category listing is replaced with a newly selected category list as indicated by a user--
identifying a top level data container; initializing compilation attributes; sequentially reading the container data; and copying said read data into a readable buffer.

Regarding claim 12, which depends on claim 11, Looney discloses the queuing of a song to be played and setting a timer to 0. The user can then indicate the length of play time of a song selected to be played (col.2, lines 30-67, col.9, lines 33-47, col. 14, lines 37-50, col.10,lines 30-67, fig. 27)-- *establishing a read buffer in a memory space and setting the read buffer offset to zero; establishing a received address request as a starting address, establishing a received read length request as a length sought.*

Regarding claim 13, which depends on claim 12, Looney discloses searching, and displaying songs in the categories, and subcategories (col.2, lines 30-67, col.8, lines 58-col.9, line 47, fig. 12)-- *the sequentially reading container data activity includes recursively searching for responsive data, said recursive search initialized with said initialized attributes.*

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Looney et al. (Pat. # 5,969,283 A), Glaser et al. (Pat. # 5,793,980 A), and Barrett et al. (Pat. # 5,917,835 A).

II. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The Examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about

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access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866

217-9197 (toll-free).

Any response to this Action should be mailed to:


Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

- (571)-273-8300 (for all Formal communications intended for entry)


CESAR PAULA
PRIMARY EXAMINER
3/6/06